

AMENDED IN SENATE MARCH 26, 2014

SENATE BILL

No. 1263

Introduced by Senator Pavley

February 21, 2014

An act to amend ~~Section 47605~~ of Sections 47604.3 and 47604.32 of, and to add Sections 47604.45, 47605.4, and 47605.9 to, the Education Code, relating to charter schools.

LEGISLATIVE COUNSEL'S DIGEST

SB 1263, as amended, Pavley. Charter schools: pupils no longer attending schools.

(1) Existing law requires a charter school to promptly respond to all reasonable inquiries from its chartering authority, the county office of education that has jurisdiction over the school's chartering authority, or from the Superintendent of Public Instruction, and to consult with those entities regarding any inquiries.

This bill would add a school district in which the charter school operates a schoolsite pursuant to a specified provision as an entity to which a charter school is required to promptly respond to all reasonable inquiries and to consult with regarding any inquiries.

(2) Existing law requires each chartering authority, in addition to any other duties imposed by the Charter Schools Act of 1992, and with respect to each charter school under its authority, to, among other things, identify at least one staff member as a contact person for the charter school and visit each charter school at least annually.

This bill would authorize each school district in which a classroom-based charter school operates to, among other things, identify at least one staff member as a contact person for the charter school

and visit each charter school operating within the boundaries of the school district.

(3) Existing law authorizes a county superintendent of schools to monitor the operations of a charter school located within that county and to conduct an investigation into the operations of that charter school based upon written complaints of parents or other information that justifies the investigation.

This bill would authorize the State Department of Education to monitor the operations of a charter school and conduct an investigation into the operations of that charter school based upon (A) a written complaint by a school district or county office of education in which the charter school operates within the boundaries of that school district or county office of education, (B) a written complaint of a parent, or (C) other information that justifies the investigation. The bill would authorize the department to issue a report of its findings resulting from the investigation to the State Board of Education.

(4) Existing law requires the governing board of a school district, no later than 30 days after receiving a petition to establish a charter school, to hold a public hearing on the provisions of the charter and to consider the level of support for the petition by teachers employed by the school district, other employees of the school district, and parents. Existing law requires the governing board of the school district to grant or deny the petition within 60 days of receipt of the petition, except as specified, and after review of the petition and the public hearing.

This bill would require the proponent of a charter school to reimburse a school district for all costs incurred in analyzing a petition to establish a charter school if that school district has previously denied a petition to establish the same charter school pursuant to a specified provision.

(5) Existing law authorizes a charter school that is unable to locate within the jurisdiction of the chartering school district to establish one site outside the boundaries of the school district, but within the county in which that school district is located, if the school district within the jurisdiction of which the charter school proposes to operate is notified in advance of the charter petition approval, the county superintendent of schools and the Superintendent are notified of the location of the charter school before it commences operations, and either of 2 specified circumstances exist.

This bill would require a charter school that locates outside the jurisdiction of the chartering school district pursuant to that provision and fails to properly notify the school district in which the charter

school intends to operate to be responsible for a financial penalty or other penalty.

~~Existing law requires a charter school, if a pupil is expelled or leaves the charter school without graduating or completing the school year for any reason, to notify the superintendent of the school district of the pupil's last known address within 30 days, and to, upon request, provide that school district with a copy of the cumulative record of the pupil, including a transcript of grades or report card, and health information.~~

~~This bill would instead require the charter school to notify the superintendent of the school district of the pupil's last known address within 20 business days. To the extent this bill would require a higher level of service from charter school officials, the bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~yes~~*no*.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 47604.3 of the Education Code is amended*
2 *to read:*
3 47604.3. A charter school shall promptly respond to all
4 reasonable inquiries, including, but not limited to, inquiries
5 regarding its financial records, from its chartering authority, *a*
6 *school district in which the charter school operates a schoolsite*
7 *pursuant to paragraph (5) of subdivision (a) of Section 47605, the*
8 county office of education that has jurisdiction over the school's
9 chartering authority, or from the Superintendent ~~of Public~~
10 ~~Instruction~~ and shall consult with the chartering authority, *the*
11 *school district in which the charter school operates a schoolsite*
12 *pursuant to paragraph (5) of subdivision (a) of Section 47605, the*
13 county office of education, or the Superintendent ~~of Public~~
14 ~~Instruction~~ regarding any inquiries.

1 *SEC. 2. Section 47604.32 of the Education Code is amended*
2 *to read:*

3 47604.32. (a) Each chartering authority, in addition to any
4 other duties imposed by this part, shall do all of the following with
5 respect to each charter school under its authority:

6 ~~(a)~~

7 (1) Identify at least one staff member as a contact person for
8 the charter school.

9 ~~(b)~~

10 (2) Visit each charter school at least annually.

11 ~~(c)~~

12 (3) Ensure that each charter school under its authority complies
13 with all reports required of charter schools by law, including the
14 annual update required pursuant to Section 47606.5.

15 ~~(d)~~

16 (4) Monitor the fiscal condition of each charter school under its
17 authority.

18 ~~(e)~~

19 (5) Provide timely notification to the department if any of the
20 following circumstances occur or will occur with regard to a charter
21 school for which it is the chartering authority:

22 ~~(1)~~

23 (A) A renewal of the charter is granted or denied.

24 ~~(2)~~

25 (B) The charter is revoked.

26 ~~(3)~~

27 (C) The charter school will cease operation for any reason.

28 ~~(f)~~

29 (6) The cost of performing the duties required by this ~~section~~
30 *subdivision* shall be funded with supervisorial oversight fees
31 collected pursuant to Section 47613.

32 (b) *Each school district in which a classroom-based charter*
33 *school operates may do any of the following with respect to each*
34 *classroom-based charter school operating within its boundaries:*

35 (1) *Identify at least one staff member as a contact person for*
36 *the charter school.*

37 (2) *Visit each charter school operating within the boundaries*
38 *of the school district.*

1 (3) *Provide written notice to the department requesting initiation*
2 *of a review of the charter school's compliance with the*
3 *requirements and duties imposed by this part.*

4 SEC. 3. *Section 47604.45 is added to the Education Code, to*
5 *read:*

6 47604.45. (a) *The department may, based upon a written*
7 *complaint by a school district or county office of education in*
8 *which the charter school operates within the boundaries of that*
9 *school district or county office of education, a written complaint*
10 *by a parent, or other information that justifies the investigation,*
11 *monitor the operations of a charter school and conduct an*
12 *investigation into the operations of that charter school.*

13 (b) *The department may issue a report of its findings resulting*
14 *from the investigation described in subdivision (a) to the state*
15 *board, that includes, but is not limited to, findings regarding the*
16 *possible factual findings sufficient for denial of a petition pursuant*
17 *to subdivision (b) of Section 47605.*

18 SEC. 4. *Section 47605.4 is added to the Education Code, to*
19 *read:*

20 47605.4. *If a petition to establish a charter school is submitted*
21 *by a proponent of a charter school to a school district that has*
22 *previously denied a petition to establish the same charter school*
23 *pursuant to subdivision (b) of Section 47605, the proponent of the*
24 *charter school shall reimburse the school district for all costs*
25 *incurred in analyzing the petition.*

26 SEC. 5. *Section 47605.9 is added to the Education Code, to*
27 *read:*

28 47605.9. *A charter school that locates outside the jurisdiction*
29 *of the chartering school district pursuant to paragraph (5) of*
30 *subdivision (a) of Section 47605 and fails to properly notify the*
31 *school district in which the charter school intends to operate shall*
32 *be responsible for a financial penalty or other penalty.*

33 ~~SECTION 1. Section 47605 of the Education Code is amended~~
34 ~~to read:~~

35 ~~47605. (a) (1) Except as set forth in paragraph (2), a petition~~
36 ~~for the establishment of a charter school within a school district~~
37 ~~may be circulated by one or more persons seeking to establish the~~
38 ~~charter school. A petition for the establishment of a charter school~~
39 ~~shall identify a single charter school that will operate within the~~
40 ~~geographic boundaries of that school district. A charter school~~

1 may propose to operate at multiple sites within the school district,
2 as long as each location is identified in the charter school petition.
3 The petition may be submitted to the governing board of the school
4 district for review after either of the following conditions is met:

5 (A) The petition is signed by a number of parents or legal
6 guardians of pupils that is equivalent to at least one-half of the
7 number of pupils that the charter school estimates will enroll in
8 the school for its first year of operation.

9 (B) The petition is signed by a number of teachers that is
10 equivalent to at least one-half of the number of teachers that the
11 charter school estimates will be employed at the school during its
12 first year of operation.

13 (2) A petition that proposes to convert an existing public school
14 to a charter school that would not be eligible for a loan pursuant
15 to subdivision (c) of Section 41365 may be circulated by one or
16 more persons seeking to establish the charter school. The petition
17 may be submitted to the governing board of the school district for
18 review after the petition is signed by not less than 50 percent of
19 the permanent status teachers currently employed at the public
20 school to be converted.

21 (3) A petition shall include a prominent statement that a
22 signature on the petition means that the parent or legal guardian
23 is meaningfully interested in having his or her child or ward attend
24 the charter school, or in the case of a teacher's signature, means
25 that the teacher is meaningfully interested in teaching at the charter
26 school. The proposed charter shall be attached to the petition.

27 (4) After receiving approval of its petition, a charter school that
28 proposes to establish operations at one or more additional sites
29 shall request a material revision to its charter and shall notify the
30 authority that granted its charter of those additional locations. The
31 authority that granted its charter shall consider whether to approve
32 those additional locations at an open, public meeting. If the
33 additional locations are approved, they shall be a material revision
34 to the charter school's charter.

35 (5) A charter school that is unable to locate within the
36 jurisdiction of the chartering school district may establish one site
37 outside the boundaries of the school district, but within the county
38 in which that school district is located, if the school district within
39 the jurisdiction of which the charter school proposes to operate is
40 notified in advance of the charter petition approval, the county

1 superintendent of schools and the Superintendent are notified of
2 the location of the charter school before it commences operations;
3 and either of the following circumstances exists:

4 (A) The school has attempted to locate a single site or facility
5 to house the entire program, but a site or facility is unavailable in
6 the area in which the school chooses to locate.

7 (B) The site is needed for temporary use during a construction
8 or expansion project.

9 (6) Commencing January 1, 2003, a petition to establish a charter
10 school shall not be approved to serve pupils in a grade level that
11 is not served by the school district of the governing board
12 considering the petition, unless the petition proposes to serve pupils
13 in all of the grade levels served by that school district.

14 (b) No later than 30 days after receiving a petition, in accordance
15 with subdivision (a), the governing board of the school district
16 shall hold a public hearing on the provisions of the charter, at
17 which time the governing board of the school district shall consider
18 the level of support for the petition by teachers employed by the
19 school district, other employees of the school district, and parents.
20 Following review of the petition and the public hearing, the
21 governing board of the school district shall either grant or deny
22 the charter within 60 days of receipt of the petition, provided,
23 however, that the date may be extended by an additional 30 days
24 if both parties agree to the extension. In reviewing petitions for
25 the establishment of charter schools pursuant to this section, the
26 chartering authority shall be guided by the intent of the Legislature
27 that charter schools are and should become an integral part of the
28 California educational system and that the establishment of charter
29 schools should be encouraged. The governing board of the school
30 district shall grant a charter for the operation of a school under this
31 part if it is satisfied that granting the charter is consistent with
32 sound educational practice. The governing board of the school
33 district shall not deny a petition for the establishment of a charter
34 school unless it makes written factual findings, specific to the
35 particular petition, setting forth specific facts to support one or
36 more of the following findings:

37 (1) The charter school presents an unsound educational program
38 for the pupils to be enrolled in the charter school.

39 (2) The petitioners are demonstrably unlikely to successfully
40 implement the program set forth in the petition.

~~(3) The petition does not contain the number of signatures required by subdivision (a).~~

~~(4) The petition does not contain an affirmation of each of the conditions described in subdivision (d).~~

~~(5) The petition does not contain reasonably comprehensive descriptions of all of the following:~~

~~(A) (i) A description of the educational program of the charter school, designed, among other things, to identify those whom the charter school is attempting to educate, what it means to be an “educated person” in the 21st century, and how learning best occurs. The goals identified in that program shall include the objective of enabling pupils to become self-motivated, competent, and lifelong learners.~~

~~(ii) A description, for the charter school, of annual goals, for all pupils and for each subgroup of pupils identified pursuant to Section 52052, to be achieved in the state priorities, as described in subdivision (d) of Section 52060, that apply for the grade levels served, or the nature of the program operated, by the charter school, and specific annual actions to achieve those goals. A charter petition may identify additional school priorities, the goals for the school priorities, and the specific annual actions to achieve those goals.~~

~~(iii) If the proposed charter school will serve high school pupils, a description of the manner in which the charter school will inform parents about the transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements. Courses offered by the charter school that are accredited by the Western Association of Schools and Colleges may be considered transferable and courses approved by the University of California or the California State University as creditable under the “A” to “G” admissions criteria may be considered to meet college entrance requirements.~~

~~(B) The measurable pupil outcomes identified for use by the charter school. “Pupil outcomes,” for purposes of this part, means the extent to which all pupils of the charter school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the charter school’s educational program. Pupil outcomes shall include outcomes that address increases in pupil academic achievement both schoolwide and for all groups of pupils served by the charter school, as that term is defined in subparagraph~~

1 ~~(B) of paragraph (3) of subdivision (a) of Section 47607. The pupil~~
2 ~~outcomes shall align with the state priorities, as described in~~
3 ~~subdivision (d) of Section 52060, that apply for the grade levels~~
4 ~~served, or the nature of the program operated, by the charter school.~~

5 ~~(C) The method by which pupil progress in meeting those pupil~~
6 ~~outcomes is to be measured. To the extent practicable, the method~~
7 ~~for measuring pupil outcomes for state priorities shall be consistent~~
8 ~~with the way information is reported on a school accountability~~
9 ~~report card.~~

10 ~~(D) The governance structure of the charter school, including,~~
11 ~~but not limited to, the process to be followed by the charter school~~
12 ~~to ensure parental involvement.~~

13 ~~(E) The qualifications to be met by individuals to be employed~~
14 ~~by the charter school.~~

15 ~~(F) The procedures that the charter school will follow to ensure~~
16 ~~the health and safety of pupils and staff. These procedures shall~~
17 ~~include the requirement that each employee of the charter school~~
18 ~~furnish it with a criminal record summary as described in Section~~
19 ~~44237.~~

20 ~~(G) The means by which the charter school will achieve a racial~~
21 ~~and ethnic balance among its pupils that is reflective of the general~~
22 ~~population residing within the territorial jurisdiction of the school~~
23 ~~district to which the charter petition is submitted.~~

24 ~~(H) Admission requirements, if applicable.~~

25 ~~(I) The manner in which annual, independent financial audits~~
26 ~~shall be conducted, which shall employ generally accepted~~
27 ~~accounting principles, and the manner in which audit exceptions~~
28 ~~and deficiencies shall be resolved to the satisfaction of the~~
29 ~~chartering authority.~~

30 ~~(J) The procedures by which pupils can be suspended or~~
31 ~~expelled.~~

32 ~~(K) The manner by which staff members of the charter schools~~
33 ~~will be covered by the State Teachers' Retirement System, the~~
34 ~~Public Employees' Retirement System, or federal social security.~~

35 ~~(L) The public school attendance alternatives for pupils residing~~
36 ~~within the school district who choose not to attend charter schools.~~

37 ~~(M) A description of the rights of an employee of the school~~
38 ~~district upon leaving the employment of the school district to work~~
39 ~~in a charter school, and of any rights of return to the school district~~
40 ~~after employment at a charter school.~~

~~(N) The procedures to be followed by the charter school and the entity granting the charter to resolve disputes relating to provisions of the charter.~~

~~(O) A declaration of whether or not the charter school shall be deemed the exclusive public school employer of the employees of the charter school for purposes of Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code.~~

~~(P) A description of the procedures to be used if the charter school closes. The procedures shall ensure a final audit of the charter school to determine the disposition of all assets and liabilities of the charter school, including plans for disposing of any net assets and for the maintenance and transfer of pupil records.~~

~~(e) (1) Charter schools shall meet all statewide standards and conduct the pupil assessments required pursuant to Sections 60605 and 60851 and any other statewide standards authorized in statute or pupil assessments applicable to pupils in noncharter public schools.~~

~~(2) Charter schools shall, on a regular basis, consult with their parents, legal guardians, and teachers regarding the charter school's educational programs.~~

~~(d) (1) In addition to any other requirement imposed under this part, a charter school shall be nonsectarian in its programs, admission policies, employment practices, and all other operations; shall not charge tuition, and shall not discriminate against a pupil on the basis of the characteristics listed in Section 220. Except as provided in paragraph (2), admission to a charter school shall not be determined according to the place of residence of the pupil, or of his or her parent or legal guardian, within this state, except that an existing public school converting partially or entirely to a charter school under this part shall adopt and maintain a policy giving admission preference to pupils who reside within the former attendance area of that public school.~~

~~(2) (A) A charter school shall admit all pupils who wish to attend the school.~~

~~(B) If the number of pupils who wish to attend the charter school exceeds the school's capacity, attendance, except for existing pupils of the charter school, shall be determined by a public random drawing. Preference shall be extended to pupils currently attending the charter school and pupils who reside in the school district except as provided for in Section 47614.5. Other preferences may~~

1 be permitted by the chartering authority on an individual school
2 basis and only if consistent with the law.

3 (C) In the event of a drawing, the chartering authority shall
4 make reasonable efforts to accommodate the growth of the charter
5 school and in no event shall take any action to impede the charter
6 school from expanding enrollment to meet pupil demand.

7 (3) If a pupil is expelled or leaves the charter school without
8 graduating or completing the school year for any reason, the charter
9 school shall notify the superintendent of the school district of the
10 pupil's last known address within 20 business days, and shall, upon
11 request, provide that school district with a copy of the cumulative
12 record of the pupil, including a transcript of grades or report card,
13 and health information. This paragraph applies only to pupils
14 subject to compulsory full-time education pursuant to Section
15 48200.

16 (e) The governing board of a school district shall not require an
17 employee of the school district to be employed in a charter school.

18 (f) The governing board of a school district shall not require a
19 pupil enrolled in the school district to attend a charter school.

20 (g) The governing board of a school district shall require that
21 the petitioner or petitioners provide information regarding the
22 proposed operation and potential effects of the charter school,
23 including, but not limited to, the facilities to be used by the charter
24 school, the manner in which administrative services of the charter
25 school are to be provided, and potential civil liability effects, if
26 any, upon the charter school and upon the school district. The
27 description of the facilities to be used by the charter school shall
28 specify where the charter school intends to locate. The petitioner
29 or petitioners also shall be required to provide financial statements
30 that include a proposed first-year operational budget, including
31 startup costs, and cashflow and financial projections for the first
32 three years of operation.

33 (h) In reviewing petitions for the establishment of charter
34 schools within the school district, the governing board of the school
35 district shall give preference to petitions that demonstrate the
36 capability to provide comprehensive learning experiences to pupils
37 identified by the petitioner or petitioners as academically low
38 achieving pursuant to the standards established by the department
39 under Section 54032, as it read before July 19, 2006.

1 (i) Upon the approval of the petition by the governing board of
2 the school district, the petitioner or petitioners shall provide written
3 notice of that approval, including a copy of the petition, to the
4 applicable county superintendent of schools, the department, and
5 the state board.

6 (j) ~~(1) If the governing board of a school district denies a~~
7 ~~petition, the petitioner may elect to submit the petition for the~~
8 ~~establishment of a charter school to the county board of education.~~
9 ~~The county board of education shall review the petition pursuant~~
10 ~~to subdivision (b). If the petitioner elects to submit a petition for~~
11 ~~establishment of a charter school to the county board of education~~
12 ~~and the county board of education denies the petition, the petitioner~~
13 ~~may file a petition for establishment of a charter school with the~~
14 ~~state board, and the state board may approve the petition, in~~
15 ~~accordance with subdivision (b). A charter school that receives~~
16 ~~approval of its petition from a county board of education or from~~
17 ~~the state board on appeal shall be subject to the same requirements~~
18 ~~concerning geographic location to which it would otherwise be~~
19 ~~subject if it received approval from the entity to which it originally~~
20 ~~submitted its petition. A charter petition that is submitted to either~~
21 ~~a county board of education or to the state board shall meet all~~
22 ~~otherwise applicable petition requirements, including the~~
23 ~~identification of the proposed site or sites where the charter school~~
24 ~~will operate.~~

25 ~~(2) In assuming its role as a chartering agency, the state board~~
26 ~~shall develop criteria to be used for the review and approval of~~
27 ~~charter school petitions presented to the state board. The criteria~~
28 ~~shall address all elements required for charter approval, as~~
29 ~~identified in subdivision (b), and shall define “reasonably~~
30 ~~comprehensive” as used in paragraph (5) of subdivision (b) in a~~
31 ~~way that is consistent with the intent of this part. Upon satisfactory~~
32 ~~completion of the criteria, the state board shall adopt the criteria~~
33 ~~on or before June 30, 2001.~~

34 ~~(3) A charter school for which a charter is granted by either the~~
35 ~~county board of education or the state board based on an appeal~~
36 ~~pursuant to this subdivision shall qualify fully as a charter school~~
37 ~~for all funding and other purposes of this part.~~

38 ~~(4) If either the county board of education or the state board~~
39 ~~fails to act on a petition within 120 days of receipt, the decision~~

1 of the governing board of the school district to deny a petition shall
2 be subject to judicial review.

3 ~~(5) The state board shall adopt regulations implementing this~~
4 ~~subdivision.~~

5 ~~(6) Upon the approval of the petition by the county board of~~
6 ~~education, the petitioner or petitioners shall provide written notice~~
7 ~~of that approval, including a copy of the petition to the department~~
8 ~~and the state board.~~

9 ~~(k) (1) The state board may, by mutual agreement, designate~~
10 ~~its supervisory and oversight responsibilities for a charter school~~
11 ~~approved by the state board to any local educational agency in the~~
12 ~~county in which the charter school is located or to the governing~~
13 ~~board of the school district that first denied the petition.~~

14 ~~(2) The designated local educational agency shall have all~~
15 ~~monitoring and supervising authority of a chartering agency;~~
16 ~~including, but not limited to, powers and duties set forth in Section~~
17 ~~47607, except the power of revocation, which shall remain with~~
18 ~~the state board.~~

19 ~~(3) A charter school that is granted its charter through an appeal~~
20 ~~to the state board and elects to seek renewal of its charter shall,~~
21 ~~before expiration of the charter, submit its petition for renewal to~~
22 ~~the governing board of the school district that initially denied the~~
23 ~~charter. If the governing board of the school district denies the~~
24 ~~charter school's petition for renewal, the charter school may~~
25 ~~petition the state board for renewal of its charter.~~

26 ~~(l) Teachers in charter schools shall hold a Commission on~~
27 ~~Teacher Credentialing certificate, permit, or other document~~
28 ~~equivalent to that which a teacher in other public schools would~~
29 ~~be required to hold. These documents shall be maintained on file~~
30 ~~at the charter school and are subject to periodic inspection by the~~
31 ~~chartering authority. It is the intent of the Legislature that charter~~
32 ~~schools be given flexibility with regard to noncore, noncollege~~
33 ~~preparatory courses.~~

34 ~~(m) A charter school shall transmit a copy of its annual,~~
35 ~~independent financial audit report for the preceding fiscal year, as~~
36 ~~described in subparagraph (I) of paragraph (5) of subdivision (b),~~
37 ~~to its chartering entity, the Controller, the county superintendent~~
38 ~~of schools of the county in which the charter school is sited, unless~~
39 ~~the county board of education of the county in which the charter~~
40 ~~school is sited is the chartering entity, and the department by~~

1 ~~December 15 of each year. This subdivision does not apply if the~~
2 ~~audit of the charter school is encompassed in the audit of the~~
3 ~~chartering entity pursuant to Section 41020.~~

4 ~~SEC. 2. If the Commission on State Mandates determines that~~
5 ~~this act contains costs mandated by the state, reimbursement to~~
6 ~~local agencies and school districts for those costs shall be made~~
7 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
8 ~~4 of Title 2 of the Government Code.~~